

SPECIAL MEETINGS

CLOSED SESSION - 6:30 P.M.

- A. Conference with Real Property Negotiator Scoles pursuant to Government Code Section 54956.8, lease of property at 1870 Ralston Avenue with 1870 Art Center, for lease price, terms and conditions

Attended by: Councilmembers Feierbach, Wozniak, Lieberman, Braunstein, City Manager Scoles, City Attorney Rennie, Finance Director Fil, Parks and Recreation Director Gervais, and Recreation Manager Brunson. Councilmember Warden was absent and City Clerk Cook was excused from attending.

ADJOURNMENT at this time being 7:30 P.M.

Terri Cook
Belmont City Clerk

This meeting was not tape recorded or videotaped

STUDY SESSION - 7:00 P.M.

Attended by: Councilmembers Feierbach, Wozniak, Lieberman, Braunstein, City Manager Scoles, City Attorney Rennie, Finance Director Fil, Community Development Director de Melo, and City Clerk Cook. Councilmember Warden was absent.

Presentation by Sares-Regis Homes and McNellis Partners of Concepts/Vision for Firehouse Square Target Economic Development Site

Community Development Director de Melo stated that the City of Belmont owns 60 percent of the properties defined as Firehouse Square. He clarified that no specific project plans have been developed at this time.

John McNellis, McNellis Partners, provided an overview of his company which is involved solely in highly specialized local retail projects. He outlined examples of other projects in which he has participated.

Drew Hudacek, Sares-Regis Homes, provided examples of housing projects in which his company has been involved, including the Ross Woods development on Davey Glen Road. He noted that Sares-Regis is a local company.

Paul Lettieri, The Guzzarado Partnership, Inc., Architects, provided examples of projects in which his company has participated.

Councilmember Wozniak expressed her support for the design examples, and expressed a desire to exercise care with massing and setbacks for any proposed four-story buildings. She prefers that it not

be boxy. She questioned whether the project would include mixed use.

Mr. Hudacek responded that there is a need to determine the use of Civic Lane, and explained that Fifth Avenue could be incorporated into the project. He also stated that other properties on El Camino Real could be incorporated into the project at some time in the future. He clarified that the number of residential units would be determined by the City Council.

Councilmember Braunstein expressed his support for the use of archways. He is concerned regarding the feasibility of incorporating outdoor dining areas along El Camino Real, or the use of stairways in smaller spaces. He also expressed support for courtyard concept, and expressed concern regarding the ongoing use of adobe and its consistency in the same area as the Victorian style of architecture that is found along the El Camino Real.

Councilmember Lieberman stated that Belmont has interesting architecture. He expressed a desire for a good quality project. He suggested designing a project that would allow for integration of future property acquisition. He noted the challenge that the project area is surrounded by single-family homes. He expressed support for underground parking.

Mayor Feierbach commented regarding the homes in the Sunnyslope area, and suggested incorporating the texture and feel of the neighborhood into this project. She expressed support for two or three stories, and the potential of four stories with articulation. She expressed concern for the limited space available. She suggested seeking input from the neighborhood. She noted that this project is important for Belmont's economic development.

Gladwyn D'Souza, Belmont resident, suggested integrating this project into the Belmont Village. He recommended designing the project around the tree located at Broadway and Fifth Avenue.

ADJOURNMENT at this time, being 7:35 P.M.

Terri Cook
Belmont City Clerk

REGULAR MEETING –
CALL TO ORDER 7:35 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Lieberman, Wozniak, Braunstein

COUNCILMEMBERS ABSENT: Warden

Staff Present: City Manager Scoles, City Attorney Rennie, Police Chief Mattei, Community Development Director de Melo, Public Works Director Oskoui, Human Resources Director Dino, Parks and Recreation Director Gervais, Chief Building Official Nolfi, City Clerk Cook

PLEDGE OF ALLEGIANCE

Led by City Attorney Rennie

REPORT FROM CLOSED SESSION

City Attorney Rennie stated that there was no action taken at the Closed Session held earlier.

SPECIAL PRESENTATIONS

National Night Out Acknowledgements

Police Chief Mattei provided a brief history of National Night Out and noted that its intent is to building strong partnerships. He stated that this year's event in Belmont was the largest. He thanked Councilmember Braunstein for suggesting a broadening of the program. He also thanked the committee, the event sponsors, the Carlmont Shopping Center, and Oracle Corporation.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Jana Gibbs, Notre Dame de Namur University student, announced an upcoming concert at the University to benefit a Christmas for the Troops project.

Kathleen Beasley, Belmont Library Manager, outlined upcoming author events at the Library.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Feierbach announced the Bike/Pedestrian Bridge ribbon cutting on November 19th. She also noted that the annual craft faire would be held at Twin Pines Park that same weekend.

CONSENT CALENDAR

City Manager Scoles clarified that Consent Item 4-D (Resolution Approving the Agreement for Adult Softball) would approve the authority to negotiate the contract. He stated that the draft agreement as presented will be amended.

Mayor Feierbach suggested that the term of the agreement be for one year only. She expressed a desire to be able to terminate the agreement if money becomes available for turfing the Sports Complex.

In response to Councilmember Lieberman, Parks and Recreation Director Gervais stated that this matter has been discussed with the Belmont softball league, and he clarified that the agreement would not likely affect their service. He also noted that this topic was discussed by the Parks and Recreation Commission.

City Clerk Cook noted that members of the public requested to speak regarding Consent Item 4-H (Resolution Approving Establishment of a 65-Foot "No Parking" Zone on the South Side of Masonic Way at Old County Road to Improve Safety for Bicyclists).

George Burgess, Chamber of Commerce, noted that the proposed no parking zone needs to be installed. He stated that the Chamber of Commerce has offered ideas for parking alternatives for the

adjacent businesses, and that the businesses have indicated a desire to videotape to provide a count of how many bicyclists use the bike lane.

Bill Schwarz, Belmont business owner, expressed a desire to change the two-hour parking restrictions on Old County Road to four-hour parking to better accommodate employee parking.

ITEMS APPROVED ON CONSENT CALENDAR

Motion to Receive Monthly Financial Reports

Approval of Resolution 10437 Authorizing a Purchase Order with Thompson West for On-Line Legal Research Account for an Amount not to Exceed \$11,000

Approval of Resolution 10438 Accepting Work, Approving As-Built Plans, and Authorization to Issue a Notice of Substantial Completion for the 2011 Capital Pavement Maintenance Project, City Contract Number 508

Approval of Resolution 10439 Approving the Agreement for Operation of Adult Softball League 2011/2012 Between the City of Belmont, Foster City and San Mateo

Approval of Resolution 10440 Authorizing Holiday Closures

Approval of Resolution 10441 Approving a Professional Service Agreement with NBS Consultants for an Indirect Cost Rate Proposal to be Submitted to Caltrans for an Amount not to Exceed \$13,000 for the U.S 101 Pedestrian/Bicycle Bridge, City Contract Number 433

Approval of Resolution 10442 Authorizing Rates For Professional Services Agreements with Hanson Bridgett LLP for Legal Services Related to Employee Compensation and Taxation

Approval of Resolution 10443 Approving Establishment of a 65-Foot "No Parking" Zone on the South Side of Masonic Way at Old County Road to Improve Safety for Bicyclists

Approval of Resolution 10444 Authorizing a Purchase Order to Northern California Fence Company for the Installation of Additional Security Fencing to the Perimeter Fence at the Corporation Yard in the Amount of \$5,150 with a 10% Contingency in the Amount of \$515

ACTION: On a motion by Councilmember Wozniak, seconded by Councilmember Braunstein, the Consent Calendar was unanimously approved by a show of hands (4-0, Warden absent).

OLD BUSINESS

Discussion and Direction Regarding Potential Reductions to Recology's 2012 Solid Waste Rates

Finance Director Fil explained that this matter was scheduled in an effort to explore ways to reduce the proposed solid waste rate increase.

Michael Brown, Solid Waste Consultant, noted that the Proposition 218 Public Hearing for increasing solid waste rates is scheduled for November 22. He explained that concerns were expressed at a previous City Council meeting regarding the proposed increase in rates. He clarified that other cities are also experiencing high increases in rates. He stated that staff has been working with Recology regarding options to mitigate the increase. He explained that a small amount of the increase is attributable to the Consumer Price Index, and that the biggest component is the migration

from larger to smaller trash carts. He clarified that the franchise agreement provides for two years of adjustments in rates to address migration.

Mr. Brown outlined the pros and cons of service reductions, including elimination of household hazardous waste disposal, compost giveaway, weekly recycle and compost disposal, large item disposal, and document shredding. He explained that if Belmont were to reduce recycling and compost pickup to biweekly service, routes that include other cities could be affected. He noted that the State is increasing the level of diversion from 50 percent to 70 percent, and biweekly recycle service could negatively affect that diversion level. He explained that organic material is required to be picked up weekly. He clarified that all of the service reductions would result in a savings of just over one percent.

Councilmember Wozniak questioned the affect on the rates if other cities were to reduce the recycling and composting service to biweekly. She noted that if people self-composted, service could be reduced to biweekly.

Mr. Brown outlined the financing options for reducing the rate increase, and noted that Recology has offered to spread the migration costs over three or four years. He clarified that it is difficult to determine the long-term risk if migration continues. He described the option of implementing a separate fee with a sunset clause to address the migration issue, and explained that this option would require a separate Proposition 218 hearing. He stated that the balancing account for the Allied Waste legacy payment has yet to be considered. He clarified that disposal fees are the biggest risk for future rates, and that staff recommends not making changes to service at this time.

Mario Puccinelli, Recology General Manager, stated that the Cities of San Mateo and San Carlos are increasing their rates by 9 percent and 8 percent respectively, and that these cities have a larger commercial base.

Gladwyn D'Souza, on behalf of the Sierra Club, noted that Recology doubled the service levels, which have been met with support by the residents. He pointed out that customers are still saving money by migrating to a smaller cart. He expressed support for the proposed increase, which maintains a progressive rate structure. He recommended selling excess capacity as provided for in the franchise agreement. He expressed concern that other cities are not paying their fair share of the cost of service.

In response to Councilmember Lieberman, Mr. D'Souza clarified that the Sierra Club recommends leaving the rate at the current level for the small cart size, and increasing the rate for the larger carts.

Michyle LaPedis, Belmont resident, recommended exploring the sale of excess solid waste capacity.

Mike Swire, expressed support for a progressive rate structure. He noted that prohibiting the use of single-use bags would reduce the amount of trash produced.

Mary Morrissey Parden, Belmont Chamber of Commerce, noted that the business community is not afforded the same perks as residential customers, and it pays more for trash service. She recommended not punishing the commercial customers.

Councilmember Lieberman stated that it was the City's policy to implement a progressive rate structure. He stated that the rate for servicing a 20-gallon cart is currently lower than the cost to collect. He noted that other rate payers are subsidizing this cart size, which is not equitable. He stated that commercial customers should not pay for residential migration and vice versa. He explained that Recology is only asking for a one percent raise. He does not support including cost recovery into the rate structure and would support a separate fee to address migration. He stated that people who migrated to a smaller cart are already paying less than they did under the previous franchise agreement.

Discussion ensued.

Councilmember Braunstein cited the rate structural issue due to migration. He noted that some 20-gallon customers concur that they pay too little, and he expressed support for a higher increase for those customers. He stated that if everyone migrates to a smaller cart, future rate increases are likely to be even higher.

Councilmember Wozniak expressed support for tiered rates, as well as a subsidy for 20-gallon customers. She noted that the goal is to reduce the amount of solid waste that is generated. She does not support penalizing commercial customers over residential customers. She clarified that there is a cost to dispose, not just pick up the trash. She expressed support for cutting services. She also supports a separate fee to address the migration issue, and stated that this fee should be progressive. She noted that trash rates subsidize the cost of recycling and composting, and there is a cost for those services. She also supports working with other cities to consider the reduction of recycling and compost pickup to biweekly.

Consultant Brown clarified that creating a separate fee to address the migration issue would result in a reduction in the fee increase from 22 percent to 15 percent. He noted that the City Council could consider raising the amount for the 20-gallon cart higher than that for the other cart sizes.

Discussion ensued regarding the use of the reserve account to offset the rate increase.

Finance Director Fil clarified that monies available in the reserve account are not sufficient to cover the full migration cost. He noted that additional migration will impact future rates. He pointed out that the balancing account for the former Allied Waste franchise agreement will still need to be paid.

Mayor Feierbach expressed support for using some of the reserve account. She noted that structuring a separate fee as a progressive rate could be problematic. She stated that she will not vote for a 22 percent rate increase.

Councilmember Lieberman stated that he does not support using the reserve account to offset rates. He is concerned about Allied's balancing account, and noted that these reserve funds were pledged for this payment.

Mayor Feierbach suggested that Recology make changes to their operations, including fewer trucks, fewer trips, and adjusting routes.

RECESS: 9:25 P.M.
RECONVENE: 9:40 P.M.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Discussion Regarding Participation in a County of San Mateo Working Group Regarding Adoption of a Single-Use Carryout Bag Ordinance

Community Development Director de Melo stated that the City of Belmont has been invited to participate in a working group with San Mateo County regarding the adoption of a single-use bag ordinance. He clarified that it is unknown how many cities will be participating. He explained that the City Council recently discussed various green initiatives, including a prohibition on such bags, and the County effort could run concurrently with other green initiatives. He noted that this effort could help leverage resources, and staff supports joining the County working group.

Mayor Feierbach stated that the County initiative might require an Environmental Impact Report (EIR).

Councilmember Wozniak stated that the City has waited a long time to begin work on the proposed green ordinances. She explained that Belmont would still have to adopt its own ordinance, since the County ordinance would affect only the unincorporated area. She noted that there is not much risk to the City of Belmont from a lawsuit, since it is such a small city. She expressed support for moving ahead with a local ordinance, and does not support joining the County effort.

Councilmember Lieberman expressed support for a regional approach unless it slows down the process. He expressed support for the ability to leverage resources.

City Attorney Rennie stated that he has not had the opportunity to begin work on an ordinance, and explained that he does not have the ability to start immediately. He noted that a cut-and-paste approach is problematic and he recommended exercising care in doing so. He expressed a need to look at all priorities.

Councilmember Wozniak stated that some cities already have ordinances banning single-use bags, and are not likely to join the County group. She stated that the four proposed green ordinances are a priority.

Councilmember Braunstein expressed concern regarding the city attorney's workload.

Gladwyn D'Souza, Belmont resident, stated that priority items should not continue to be deferred. He expressed support for collaborative policy development, and questioned why plastic bags would be chosen over other green initiatives and transportation issues.

Mike Swire, stated that the City Council has expressed support for an ordinance addressing single-use bags. He noted that other jurisdictions have enacted ordinances without the need for an EIR. He stated that the time is right for initiating an ordinance, and the courts have said there is no negative impact. He expressed concern regarding the ongoing use of plastic, and noted there is very little recycling being done. He noted that a template ordinance is ready to go. He explained that the County will likely ask for money to conduct an EIR, and he noted the challenge of getting 12 cities to agree on one ordinance.

Councilmember Braunstein noted that this matter is a priority, but that other legal issues have arisen. He stated that the city attorney needs to be directly involved in the initiation of an ordinance, and the City Council needs to be fair to staff.

Councilmember Lieberman stated that this ordinance is likely to be enacted by mid to late 2012.

Councilmember Wozniak expressed support for enacting it sooner.

City Attorney Rennie expressed the need to have a global discussion regarding priorities and resources.

George Burgess, Belmont Chamber of Commerce, noted that the Chamber has been surveying the business community on this matter. He noted that businesses are aware of the proposed ordinance, and would like a phased-in approach.

Councilmember Lieberman thanked the Chamber of Commerce for its proactivity.

Council concurred to have staff contact the County for further information regarding the status of the working group, and to move ahead with an ordinance for Belmont.

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Councilmember Wozniak stated that she attended a recent County Library Board meeting as the alternate. She noted that she attended an event wherein Judith Greig, the President of Notre Dame de Namur University, received a Diversity Award.

Councilmember Lieberman provided an update on the capital project under way at the South Bayside System Authority. He noted that despite an issue with the office building component, the project is still under budget.

Verbal Report from City Manager

City Manager Scoles announced the ribbon cutting for the Bicycle Pedestrian Bridge. He noted that City Hall offices would be closed for the Veteran's Day Holiday. He announced that Carlmont High School would be hosting a night football game. He stated that the Parks and Recreation Commission hosted an on-site meeting for the proposed Davey Glen Park site. He described a sidewalk repair on Ralston Avenue at the west entrance to Twin Pines Park.

ADJOURNMENT at this time, being 10:15 P.M.

**Terri Cook
City Clerk**

Meeting Tape Recorded and Videotaped
Audio Recording 801